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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,105	04/08/2002	Olavi Jussila	513-4 PCT/US	6122

7590
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11/14/2005

EXAMINER

CHIN, PAUL T

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/031,105	Applicant(s) JUSSILA ET AL.	
	Examiner PAUL T. CHIN	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 is/are allowed.
- 6) ☒ Claim(s) 2, 3, 5, 6 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 22, 2005, has been entered.

Election/Restrictions

2. Applicant's election without traverse of Group I, readable on claims 1-7 (now claims 2-6 and 11), in Paper No. 8, is acknowledged.

3. Claims 8-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, Paper No. 8, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 15, 2004.

Drawings

4. The drawings were received on April 28, 2005. These drawings are approved.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 2,5,6, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Bjurling (4,630,855).

Bjurling (4,630,855) discloses a spreader system comprising a spreader frame (1), at least one telescoping beams (2,3,14,15) telescopically movable in the spreader frame (1) (Figs. 1 and 2), a guide roller (18), which can be considered as at least one locking means positioned between the spreader frame (1) and at least one telescoping beam (2,3,14,15) (see Fig. 2), at least one twist lock (8) having a locked and unlocked positions, a joint multi-rope lever system (pulleys 11,12, cable 13), at least one actuator (9), a hydraulic cylinder actuator, and driving wheels (10,10), guide tube (4), and a control guide (16), which can be considered as a control system, for controlling the operations of the actuator and the lever system.

Re claims 2 and 5, the different rope or cable forces have to be generated by one hydraulic actuator (9) to the lever system for moving the telescoping beams and the twist locks together.

Re claim 6, the external force applied to the at least one telescoping beam (14 or 15) is partly neutralized (see Figs. 1 and 2).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Bjurling (4,630,855) in view of Strand (3,712,661).

Bjurling's system (4,630,855), as presented in section 6 above, shows a first rope or cable force generated to the lever system, a second rope force generated to locate the

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locking point (see Fig. 1) of the locking unit at a guide roller (18), but does not show a third rope force to actuate the twist locks of the telescoping beams. However, Strand (3,712,661) shows a rope system to actuate the twist locks (4,4). Accordingly, it would have been obvious to those skilled in the art to provide a rope system on the Bjurling's system (4,630,855) as taught by Strand (3,712,661) in order to actuate the twist locks to grip a container.

9. Claim 2,5,6, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Great Britain Patent (GB 2,031,841) in view of the Soviet Union Patent (SU 001730000).

The Great Britain Patent (GB 2,031,841) discloses a spreader system comprising a spreader frame (2), at least one telescoping beams (3 or 4) (Fig. 2) telescopically movable in the spreader frame (2), rollers (19) and a stopping means (see Page 2, lines 51-54), which can be considered as locking members (Page 1, lines 56-69), positioned between the spreader frame (2) and at least one telescoping beam (3,4) (see Fig. 2) to stop the movements of the telescoping beams at a substantially desired place (see abstract), at least one twist lock (9) having a locked and unlocked positions, a controller for at least one cylinder actuator (13), and a cable drive system (Page 2, lines 10-17) as an alternative powered control drive. The Great Britain Patent (GB 2,031,841) does not clearly show a multi-rope lever system for performing the telescoping movement and the twist locks. However, the Soviet Union Patent (SU 001730000) discloses a joint multi-rope lever system (see figure) having an at least one actuator (9) for performing the telescoping movement and the twist locks. Accordingly, it would have been obvious to those skilled in the art to provide a joint multi-rope system (instead of linear movement)

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on the Great Britain Patent (GB 2,031,841) as taught by the Soviet Union Patent (SU 001730000) for performing the telescoping movement and the twist locks.

Re claims 2 and 5, the different rope or cable forces have to be generated by one hydraulic actuator (8) to the lever system for moving the telescoping beams and the twist locks together.

Re claim 6, the modified Great Britain Patent (GB 2,031,841) substantially shows that the external force applied to the at least one telescoping beam (3) (see Fig. 2) is partly neutralized.

Allowable Subject Matter

10. Claim 4 is allowed.

Response to Arguments

11. Applicant's arguments filed April 28, 2005, have been fully considered. Regarding Bjurling (4,630,855), the arguments are not persuasive.

Applicant argues that "Bjurling does not teach or suggest a locking unit disposed frame on a frame which is engageable with a locking point" (page 13). Note that applicant broadly recites "a locking point" and fails to positively recite the structural limitations.

The argument is not persuasive because "Bjurling teaches a guide roller (18), which can be considered as at least one locking means positioned between the spreader frame (1) and at least one telescoping beam (2,3,14,15) (see Fig. 2), and a locking point, which can be anywhere along the telescoping beam (which can be the distal end) wherein the rollers will engage with the locking point. Therefore, Bjurling, as broadly as recited, meets the recited claims 2,5,6, and 11.

Regarding Great Britain Patent (GB 2,031,841) in view of the Soviet Union Patent (SU 001730000), the Great Britain Patent teaches that "stops are provided on the

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telescoping extension 3 and the member 2 to prevent the telescoping extensions moving out of the main frame" (see lines 43-54 of page 2). The stops can be considered as a locking point to lock the locking unit from moving. Therefore, the references meets the claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (571) 272-6922. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PAUL T. CHIN
Examiner
Art Unit 3652